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Attorneys for Plaintiff

UNITED STATES MAGISTRATE COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. 4-07-70329 WDB
)	
Plaintiff,)	STIPULATED MOTION AND
)	[PROPOSED] ORDER CONTINUING
v.)	PRELIMINARY HEARING OR
)	ARRAIGNMENT DATE AND WAIVING
HIEU THAI,)	TIME UNDER SPEEDY TRIAL ACT TO
)	JULY 24, 2007 at 10:00 a.m.
Defendant.)	

With the agreement of the parties, and with the consent of the defendant, the Court enters this order pursuant to Federal Rule of Criminal Procedure 5.1(d) continuing the arraignment or preliminary hearing date for Defendant Hieu Thai to July 24, 2007 at 10:00 a.m. before the Honorable Wayne D. Brazil. The parties appeared before the Court on June 11, 2007 and the Court found good cause to continue the preliminary hearing date to July 10, 2007. Given the intervening holiday and the unavailability of defense counsel, counsel for the defendant believes that further postponing the preliminary hearing is in her client's best interest and that it is not in her client's best interest for the United States to present an indictment before the current July 10, 2007 preliminary hearing date. The parties agree that – taking into account the public interest in prompt disposition of criminal cases – good cause exists for this extension.

Defendant also agrees to toll and to waive for this period of time any time limits applicable under Title 18, United States Code, Section 3161. The parties agree and stipulate that defense counsel needs time to review discovery and that an exclusion of time under the Speedy

1 Trial Act for effective preparation of counsel is warranted pursuant to 18 U.S.C. Section
2 3161(h)(8)(A) and (B)(iv). Undersigned defense counsel represents that she has spoken with her
3 client, Mr. Thai, and that Mr. Thai agrees to the continuance and to time being tolled and waived
4 as requested.

5
6 **IT IS SO STIPULATED.**

7
8 DATED: _____ /S/_____
9 HILARY FOX
Attorney for Defendant

10
11 DATED: _____ /S/_____
12 KESLIE STEWART
Assistant United States Attorney

13 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
14 "conformed" signature (/S/) within this e-filed document.

15
16
17
18 **IT IS SO ORDERED.**

19
20
21 DATED: _____
22 WAYNE D. BRAZIL
23 United States Magistrate Judge
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